



City of Tualatin

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June 24, 2015

NOTICE OF ARCHITECTURAL REVIEW BOARD DECISION

**** APPROVAL WITH CONDITIONS ****

Case #:	AR-15-05
Project:	Koch Expansion
Location:	SW 115 th Avenue and SW Itel Street (Tax Map 2S1 27BD Tax Lots 200, 300, and 40) (Tax Map 2S1 27AC Tax Lots 300 and 600)
Applicant:	Eric Sporre, PacTrust. (503-603-5492)
Applicant's Rep:	Mark Person, Mark Person (503-224-9560)
Property Owner:	PacTrust, Eric Sporre (503-603-5492)

I. FINDINGS

- A. An application for Architectural Review (AR) was filed by PacTrust to build an approximately 300,000 square foot industrial flex use across three separate buildings. The development area consists of approximately 20 acres. The development will include an easement for public bike and pedestrian use for the future Tonquin Trail.

The Architectural Review Board (ARB) conducted a noticed public hearing on June 10, 2015 in conformance with the laws of the State of Oregon and the City of Tualatin.

- B. Several conditions were amended at the June 10th Hearing. The ARB found with the staff recommended conditions of approval AR-1 through AR-6 in the revised June 10, 2015 Recommendation to the Architectural Review Board (Exhibit 1) and with the following modifications or additions of AR-1.C, AR-2, AR-2.K, AR-7, AR-8.A, and AR-8.B, The ARB finds the Board's findings, the findings in the staff report, the applicant's presentation, testimony at the public hearing, materials in the record, and discussion on the record support the approval of the AR-15-05 with the conditions of approval AR-1 through AR-8.
- C. On Monday June 8, 2015 staff received an email from a neighboring property owner, Mr. Bill Mullins, who expressed concerns about potential traffic generated by the proposed development and expressed concerns about the traffic study submitted as

ARRANGEMENTS CAN BE MADE TO PROVIDE THESE MATERIALS IN ALTERNATIVE FORMATS, SUCH AS LARGE TYPE OR AUDIO COMPACT DISC. PLEASE CONTACT THE PLANNING DIVISION @ 503.691.3026 TO ALLOW AS MUCH LEAD TIME AS POSSIBLE.

part of the Public Facilities Report. The Public Facilities Decision is issued by the City Engineer and separately from this Architectural Review Board Decision according to Tualatin Development Code 31.073 (1). One of the items required for the public facilities review is a traffic study (TDC 31.071(m) and 74.440). Issues related to traffic generation are not under the purview of the Architectural Review Board whose review is limited to Architectural Features (TDC 31.073(1)). Staff included Mr. Mullins statements as Exhibit 2 to this Final Order which establishes his comments as part of the overall record for this Architectural Review 15-05.

The ARB adopts the following findings in support of the revised conditions:

Condition

AR-1.C: Condition AR-1.C was moved from AR-2.K by the ARB to reduce the number of items required to be completed prior to grading permit.

“73.290(1) Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, such areas shall be replanted.

Condition

AR-2: Condition AR-2 was amended by the ARB to reduce the number of items required to be completed prior to grading permit.

“Prior to obtaining the first building on the subject site, the applicant shall submit 3 revised paper plan sets – 24 x 36 and a paper narrative/document booklet and electronically in Adobe PDF file format – for review and approval to the Planning Division that meet the conditions of approval below. The narrative shall explain how and on what page each condition of approval has been met. The submittal shall contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in 2 weeks.”

Condition

AR-7: Condition AR-7 was moved from AR-2.X and amended by the ARB to give the applicant more time to have the easement approved and recorded.

“The applicant shall grant and record an easement with Washington County and the City of Tualatin to accommodate a 14-foot public bike and pedestrian shared use pathway. The easement areas shall vary in width

between 14 and 20 feet along the eastern property boundary as shown on the applicant's plans Sheets "Building 5, L-1"; "Building 5&8 C2.1"; and "Building 8, L-1". The language of the easement requires review and approval by the City Attorney and the Community Services Department prior to the first tenant Certificate of Occupancy or 6 years from the date of this decision, whichever comes first."

Condition

AR-8.A&B: Condition AR-8.A&B was added to address concerns regarding architecture massing and small scale and repetitive landscaping.

"Prior to building permit for each shell building, the applicant shall propose and have approved by staff the following:

A. Architecture that breaks up the horizontal and vertical scales and massing of each building. The improved architecture shall include more varied materials, more varied placement material type, more varied landscape grouping, and more varied paint colors.

B. Modification of landscaping that includes the following:

- 1. Accounting for the direction of sun on each of the four sides of each building in choosing plant species.*
- 2. Simplify the landscaping.*
- 3. Entrances shall have more variety of color and species.*
- 4. Long building facades shall have a simple pallet that contains large mass shrubbery and trees (both coniferous and deciduous) to break up massing."*

II. ACTION

The ARB approved AR-15-05 and accepted staff recommended conditions AR-1 through AR-6 in the revised June 10, 2015 Recommendations to the Architectural Review Board (Exhibit 1) and the revised conditions AR-1.C, AR-2, AR-2.K, AR-7, AR-8.A, and AR-8.B. The ARB adopted the revised analysis and findings in the June 10, 2015 staff report and with the findings listed above.

The Architectural Review Board Decision approves AR-15-05 subject to the following Architectural Review conditions:

AR-1 Prior to issuance of any grading permit(s) or on-site work, comply with Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R) requirements. Demonstrate on grading plans compliance with Tualatin Development Code 73.290(1). A copy of the grading permit plans shall be forwarded to the Planning Division for review and approval of all conditions that affect the grading plans prior to grading permit issuance.

A. A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

1. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-l.
2. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C Erosion Control Permit.
3. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
4. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
5. If use of an existing, offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
6. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
7. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be

granted to the City.

8. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

NOTE: This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

- B. **TVF&R:** Submit to the City of Tualatin Building, Engineering, and Planning Divisions copies of TVF&R permit(s) to show compliance with the attached letter from the TVF&R Deputy Fire Marshal (Attachment 104)
- C. **73.290(1)** Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, such areas shall be replanted.

AR-2 Prior to obtaining the first building on the subject site, the applicant shall submit 3 revised paper plan sets – 24 x 36 and a paper narrative/document booklet and electronically in Adobe PDF file format – for review and approval to the Planning Division that meet the conditions of approval below. The narrative shall explain how and on what page each condition of approval has been met. The submittal shall contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in 2 weeks.

Walkways & Accessways

- A. **73.160(1)(b)(iii)** Accessways shall be provided as a connection between the development's walkway and bikeway circulation system and an adjacent bike lane.
 - One of the proposed accessways from Building 1 to SW 115th Avenue shall be widened to 8-feet and be extended and ramped into the existing lane pavement for bicycles.
- B. **73.160(1)(c)** Curb ramps shall be provided wherever a walkway or accessway crosses a curb.
 - Construct the 8-foot wide accessway from Building 1 to SW Itel Street as proposed on sheet C2.2 of the plans.

Lighting

- C. 73.160(3)(a) *Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.***
- The applicant shall provide clarification about the wall-mounted fixtures and the angles of bulb visibility and revise the proposal if needed based on the Guidelines for Good Exterior Lighting Plans (Attachment 110), specifically information that relates to the “Acceptable” lighting fixtures and “Full-cutoff fixture” lighting angle diagrams in the guidelines on pages 2 and 4 respectively.
- D. (c) *Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way.***
- Provide a revised photometric scatter plan with labels on each reading large enough to be read on a 24 x 36 plan sheet.
- E. 73.380(6) *Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.***
- Because the application materials imply that pole-mounted lighting might shine or create glare on the avenue or street ROW, the applicant shall provide revise plans or provide “cut sheets” to show that light levels at SW 115th Avenue and SW Itel Street shall not exceed 0.1 (fc) and be “full cutoff.”

Address Numerals, Equipment Screening, & Fireproofing Waste Containers

- F. 73.160(3)(d) Provide an identification system plan which clearly locates buildings and their entries for patrons and emergency services.**

Landscaping

- G. 73.160(3)(e) Shrubs in parking areas shall not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.**
- H. 73.240(9) Yards adjacent to public streets, except as described in 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and shall be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.**
- I. 73.360(2) All landscaped island areas with trees shall be a minimum of 5 feet in width (60 inches from inside of curb to curb) and protected with**

curbing from surface runoff and damage by vehicles. Landscaped areas shall contain groundcover or shrubs and deciduous shade trees.

- J. All street trees shall be approved by The Operations Division prior to planting.
- K. **73.260(1)(b)** landscaping plans shall be revised to meet the tree planting size minimum of 1.5-inch caliper DBH for deciduous and 5-feet high for coniferous. All vegetation proposed larger than the required minimum shall remain as proposed.
- L. Show the **TDC 73.360(1)** calculation on the landscaping plans to show there are at least 25 square feet of landscaped islands for each parking space.
- M. Show the **TDC 73.360(3)** calculation on the landscaping plans to show there is at least one deciduous tree for every four parking spaces.

Auto & Bike Parking

- N. Illustrate where 15 vanpool and carpool parking spaces will be. Signing and striping plans shall be submitted for review and approval and shall give specifications on the required carpool/vanpool signing and striping.
- O. **73.370(2)(a) Industrial (i&ii)**
 - The applicant shall revise the site plans to indicate for each of Buildings where and how the first 5 bike spaces or at least 30%, whichever is greater, is covered.
- P. **73.370(1)(o)**
 - The applicant shall provide revised site details sheet indicating bike stall length, width, and overhead clearance of covered stalls.
- Q. **73.370(1)**
 - The applicant shall provide signing and striping plans indicating required bike parking locations and signage.

Safety

- R. Provide a security camera plan to allow police, employees, and tenants to watch over loading, parking, and trash enclosure areas to meet 73.160(3).

Washington County Road Requirements

S. Perform for Washington County:

1. Obtain a Facility Permit for public improvements on SW Tualatin-Sherwood Road (half-street) as required per City Casefile SB-11-01.
2. Submit to **Washington County** Public Assurance Staff, 503-846-3843:

- a. Completed "Design Option" form.
- b. **\$3,735.00** Administration Deposit.

NOTE: *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

- c. A copy of the City's Land Use Approval with Conditions and County's letter, signed and dated.
- d. Three (3) sets of complete engineering plans for construction of the following public improvements:
 - i. Construct a second westbound left-turn lane at the intersection of SW 115th Avenue/SW Tualatin-Sherwood Road to County Standards.
3. Obtain a Washington County **Facility Permit** upon completion of the following:
 - a. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in condition **AR-2.S.2.d.**

NOTE: The Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative **after** submittal and approval of items listed under **AR-2.S.2.**

*The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. **Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.***

Trash

T. Revise specifications for the trash enclosures that show the following (TDC 73.227):

1. Doors will not be constructed of chain link and vinyl slats.
2. Doors will fully and opaquely screen trash dumpsters.
3. Door will be at least 8-feet in height.
4. Doors will be lockable in the open and closed positions.
5. Doors will be capable of opening at least 180-degrees unless otherwise approved by Republic Services.
6. Signature of Approval on final trash plans by Republic Services.
7. Trash enclosure walls will be constructed with 8-foot high concrete as proposed.
8. Evergreen plants around the walls.
9. Clear gate opening width shall be approved by Republic Services.
10. An opening for pedestrian access.
11. Evidence that doors and walls will fully and opaquely screen the trash dumpster size ordered.

AR-3 Washington County Road improvements required along site frontage shall apply to frontage of all land within the subject site that abuts the County roadway. **The subject site shall be considered to include:** any lot or parcel to be partitioned or otherwise subdivided (regardless of whether it contains existing structures or not); **and** any contiguous lots or parcels that constitute phases of the currently

proposed development.

If the applicant proposes to develop the project in phases, all County-required frontage improvements must be constructed with the first phase. In addition, off-site improvements **warranted by** the first phase must also be completed with the first phase.

AR-4 Prior to each building permit for each tenant improvement:

- A. The applicant shall show all ground and rooftop equipment fully and opaquely screened from all adjacent public streets and from all vantage points on-site.
- B. **73.370(1)(l)** To provide more certainty for the applicant, succeeding owners, tenants, and the City, regarding (iii) the applicant shall submit legal documentation, to the satisfaction of the City Attorney, verifying permanent shared use of parking and use of any excess parking area on one lot by patrons of any uses deficient in required parking area on a lot. This condition shall be met at time of every tenant building permit.

AR-5 Prior to the first Certificate of Occupancy (CO) on the project site and each CO thereafter:

- A. **73.227(6)(b)(ii)** Storage containers shall meet Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
- B. **73.095 (1)** Except as allowed by Subsection (2), all landscaping and exterior improvements and stipulations, including all approved plans and outdoor site stipulations required as part of the Community Development Director's, Architectural Review Board's or City Council's approval shall be completed in addition to Fire and Life Safety, and Engineering/Building Department requirements prior to the issuance of any certificate of occupancy.
- C. All conditions of approval, except where otherwise stated, shall be subject to field inspection prior to Certificate of Occupancy.
- D. The proposed location for the enclosures for building 1 be approved by staff with a staff approved security camera plan and installation that conforms to the approved plan for each of the enclosures building 1 enclosures.
- E. Obtain a Finaled Washington County Facility Permit, contingent upon the following:
 - 1. The road improvements required in Condition AR-2.V.2.d. shall be

completed and accepted by Washington County.

2. Obtain a Finaled Facility Permit for public improvements (half-street) on SW Tualatin Sherwood Road (per City casefile SB-11-01).

AR-6 The applicant shall comply with these standard requirements:

- A.** The applicant shall separately from this AR submit sign permit applications for any proposed signage.
- B. 31.075 Effective Date of Decision.**
(1) The decisions of the Community Development Director and the City Engineer on the Architectural Features and Utility Facilities respectively or the Architectural Review Board, where the plan is initially reviewed by the Architectural Review Board shall each become final 14 calendar days after the date the notice of the decision is given unless written request for review of the Architectural Features or Utility Facilities decision is sought and submitted on a form provided by the City for that purpose.
- C.** The first shell building shall have an issued building permit for vertical construction by 2 years from the date of this decision (June 24, 2017). The second shell building shall have an issued building permit for vertical construction 4 years from the date of this decision (June 24, 2019). The third shell building shall have an issued building permit for vertical construction 6 years from the date of this decision (June 24, 2021). If this schedule is not met, the land use approval shall expire. The applicant may request a one year extension for each phase of the project and the request shall be considered under TDC 73.056.
- D. 73.100(1)** All landscaping approved through architectural review (AR) shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered through AR, unless subsequently altered with Community Development Director approval.
- E. 73.100(2)** All building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director approval.
- F. 63.051(1)** Except as otherwise provided in this section, all industrial development shall comply with the Oregon State Department of

Environmental Quality standards relating to noise. From 9:00 p.m. to 7:00 a.m., a dBA reading from an industrial development, whether new or existing, shall not exceed an L-max of 60 dBA when measured from a noise sensitive property.

AR-7 The applicant shall comply with the following condition from City of Tualatin Community Services Department:

- A.** The applicant shall grant and record an easement with Washington County and the City of Tualatin to accommodate a 14-foot public bike and pedestrian shared use pathway. The easement areas shall vary in width between 14 and 20 feet along the eastern property boundary as shown on the applicant's plans Sheets "Building 5, L-1"; "Building 5&8 C2.1"; and "Building 8, L-1". The language of the easement requires review and approval by the City Attorney and the Community Services Department prior to the first tenant Certificate of Occupancy or 6 years from the date of this decision (June 24, 2021), whichever comes first.

AR-8 Prior to building permit for each shell building, the applicant shall propose and have approved by staff the following:

- A.** Architecture that breaks up the horizontal and vertical scales and massing of each building due to their size. The architecture shall be improved on all facades of all three buildings through the incorporation of design elements such as:
 - 1. Greater use of relief changes.
 - 2. Expanded selection of materials.
 - 3. Increased variation in material changes.
 - 4. Landscape design, placement, and material selection use that will break up scale and massing within a 5 year timeframe following completion of construction.
 - 5. Expanded selection of paint colors.
 - 6. Increased variation in color changes.
- B.** Landscaping that creates and promotes a pedestrian scale and is appropriate for buildings of the proposed size and scale. The landscaping shall be substantially revised on the entirety of the subject site by the following:
 - 1. Create groupings of landscaping varied in type and size to help break up the mass and scale of the building facades.
 - 2. Less repetition of materials in placement.
 - 3. Greater variety of color, sizes and species.

4. Long building facades shall have larger mass shrubbery and trees (both coniferous and deciduous) that will break up scale and massing within a 5 year timeframe following completion of construction.
5. Species choices that take into account low maintenance, sun exposure and placement orientation at each building.

APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Architectural Review Board to the City Council.

The Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order (July 8, 2015), unless a written appeal is received by the **Community Development Department Planning Division at 18880 SW Martinazzi Avenue, Tualatin, Oregon, before 5:00 p.m., July 8, 2015. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Planning Division offices. The appeal forms must include reasons, a \$135.00 appeal fee and meet the requirements of Section 31.078 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 24th DAY OF JUNE, 2015.

ARCHITECTURAL REVIEW BOARD
CITY OF TUALATIN

BY:


Skip Stanaway, Vice-Chair
Architectural Review Board

enc: Exhibit 1: Staff Report and Findings in "Track Changes" as Amended by ARB June 10, 2015

Exhibit 2: Email communication from Bill Mullins June 8, 2015

Exhibit 3: Recommendation and Staff Report to the Architectural Review Board as Amended June 9th for the June 10th Hearing